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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Andrew Strawn

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07/06/2006

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EXAMINER

TORRES, MARCOS L

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/852,630	Applicant(s) STRAWN ET AL.	
	Examiner Marcos L. Torres	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-12 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner could not find support in the specification for new limitation of "wherein the compression biased urging mechanism is arranged to be in resilient compression to store energy when the formation and complementary are coupled", please indicate where in the specification is the support for the above limitation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-6, 8-9, 12 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Fuhrmann US006347218B1 in view of Beutler US005933330A.

As to claims 1, 12 and 49, Fuhrmann discloses an electronic radiotelephone (see col. 1, lines 9-10) comprising a first and second housing for housing electronic components of the radiotelephone (see fig 1, items 1,14) and a biasing mechanism to aid the user to release the second housing from the first housing; the first housing having an element with an operating surface and a formation which co-operates with a complementary formation on the second housing for user to releasable coupling of the first housing to the second housing (see fig. 1, items 12, 13 and 17); the element being movable between a first and a second position such that when the element is in the first position the formation and complementary formation co-operate to allow the first housing to be coupled to the second housing and when in the second position to allow the second housing to be removed from the first housing by the user (see fig 1, 2); thereby allowing the second housing to be removed from the first housing by the user without interference from the element (see col. 3, line 15 - col. 4, line 22). Fuhrman does not specifically discloses wherein the biasing mechanism comprises a compression biased releasing mechanism being arranged to resiliently compression bias the element into the first position to allow a user to actuate the element, via the operating surface, against the compression bias into the second position to release the co-operation of the formation and complementary formation thereby allowing the housing to be removed from one another, and wherein the compression biased urging mechanism is arranged to be resilient compression to store energy when the formation and complementary formation are coupled and to automatically urge the first and second housing away from each other when the coupling of the formation and the

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complementary formation are released by releasing energy stored in the compression biased urging mechanism. In an analogous art, Beutler discloses wherein the biasing mechanism comprises a compression biased releasing mechanism being arranged to resiliently compression bias the element into the first position to allow a user to actuate the element, via the operating surface, against the compression bias into the second position to release the co-operation of the formation and complementary formation thereby allowing the housing to be removed from one another, and wherein the compression biased urging mechanism is arranged to be resilient compression to store energy when the formation and complementary formation are coupled and to automatically urge the first and second housing away from each other when the coupling of the formation and the complementary formation are released by releasing energy stored in the compression biased urging mechanism (see fig. 18 and 20, items 1820,1821;col. 13 ,line 19 - col. 14, line 44), thereby helping to remove a case.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to combine these teachings for an easier removal of the case.

As to claim 2, Fuhrmann discloses a radiotelephone wherein the first housing is presented away from a user during operation of the radiotelephone and the second housing is presented towards a user during operation of the radiotelephone (see fig. 1).

As to claims 3 and 6, Fuhrmann discloses a radiotelephone further comprising retaining means for retaining the electronic components of the radiotelephone to the first and second housing (see col. 3 lines 6-14).

As to claims 4, Fuhrmann discloses a radiotelephone wherein the second housing has a lip for engaging with the element to allow the first housing to be coupled to the second housing (see fig. 3, 4).

As to claim 5, Beutler discloses a radiotelephone wherein the element is a flexible hinge (see fig. 18 and 20, item 1820,1821).

As to claims 8-9, Fuhrmann discloses a radiotelephone wherein comprising a spring associated with the first and second housing and arranged to be compressed when the first and second housings are coupled (see col. 3, lines 20-27).

9. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuhrmann in view of Beutler and further in view of Guzik 4719322.

As to claims 10-11, Fuhrmann disclose everything claimed as explained above except for a radiotelephone wherein the means for urging comprises a rubber seal associated with the first and second housing and arranged to be compressed when the first and second housings are coupled. In an analogous art, Guzik a radiotelephone wherein the means for urging comprises a rubber seal associated with the first and second housing and arranged to be compressed when the first and second housings are coupled (see col. 1, lines 27-29). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add these teachings to the Fuhrmann modified system for the simple purpose of protecting the internal parts of the device.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be mailed to:

U.S. Patent and Trademark Office
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
Art Unit 2617


mlt


GEORGE ENG
SUPERVISORY PATENT EXAMINER